

that she had not done so. Given that admission, the Applicant's representative assumed that Ms. Warden also had not honored the above-noted request for familiarization with the application, claims and references.

In spite of the fact that the Applicant's representative had no confidence that Ms. Warden was familiar with the application at hand, a belief supported by the few comments and the nature of her comments, the Applicant's representative attempted to point out the deficiencies of the references relative to the pending claims. The examiner attempted to support his rejections including his statement that the primary reference, a patent to Sweeney, disclosed the incorporation of "aromatherapeutic" materials in microcapsules which were liberated by "scratching" of a substrate on which the microcapsules were disposed. The examiner further stated that the Applicant had admitted this in her specification.

The Applicant's representative then informed the examiner that his statements were not true since his statements were indeed inaccurate. Inaccurate statements by any party do not constitute truth. Accordingly, the statement of the Applicant's representative that the examiner's statements were not truthful was accurate.

The examiner's supervisor then expressed her feelings that she did not somehow care for the nature of the interview and indicated that the interview was not likely to result in agreement as to any matter. The interview was then concluded at the behest of the examiner's supervisor. The motivation of the examiner's supervisor in making these statements can only be explored by a request made to her.

However, by making such statements, the examiner's supervisor precluded any discussion of exactly where in any prior art do the following teachings appear:

Claims 24, 42 and 43 an article being an aromatherapeutic agent thrown at a target to cause release of a therapeutic aroma

Claims 26 and 41 an article comprising a punching bag and having an aromatherapeutic agent disposed thereon for release when struck

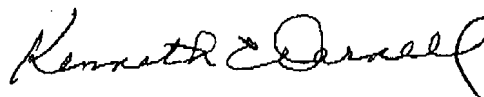
Claims 27 and 40 a dashboard having an aromatherapeutic agent disposed thereon for release when struck

While the cited art does not show in any respect the recitation of independent claims 23 and 39, the prior art very clearly does not show the subject matter of the foregoing dependent claims. Certainly, the examiner's rejection of claims 23 and 39 are based on extraordinarily deficient prior art. However, the examiner is seen by the nature of the recitations of the dependent claims identified above inter alia that careful and deliberate consideration has not been given to these dependent claims. Absolutely no disclosure is provided in the references as to the subject matter of these dependent claims.

The Applicant believes from the foregoing that the examiner and the examiner's supervisor are not thoughtfully considering the pending claims. The Applicant's representative further concludes that the examiner's supervisor is not exercising appropriate supervisory functions.

Given this belief by the Applicant, it is requested that the Final Rejection be withdrawn and that the application be reassigned for an appropriate examination.

Respectfully submitted,



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